

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There are three Extraordinary issues to the Official Gazette, Series I No. 20 dated 13-8-1998 as follows:

- 1) Extraordinary dated 13-8-1998 from pages 203 to 204 regarding Notification from Department of Finance (Revenue and Expenditure Division).
- 2) Extraordinary No. 2 dated 13-8-1998 from pages 205 to 266 regarding Notification from Department of Labour.
- 3) Extraordinary No. 3 dated 18-8-1998 from pages 267 to 268 regarding Notification from Department of Law and Judiciary (Legal Affairs Division).

GOVERNMENT OF GOA

Department of Inland Waterways

Captain of Ports

Notification

12018/6/2287

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Ports Rules, 1983, is hereby pre-published as required by sub-section (2) of section 6 of the Indian Ports Act, 1908 (Central Act 15 of 1908), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of 15 days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft amendment may be forwarded to the Captain of Ports/Ex-Officio Joint Secretary to the Government of Goa, Captain of Ports Building, Panaji-Goa, before the expiry of 15 days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT RULES

In exercise of the powers conferred by section 6 read with sections 33, 39, 46 and 47 of the Indian Ports Act, 1908 (Central Act 15 of 1908), the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Ports Rules, 1983 as follows:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Ports (Amendment) Rules, 1998.

(2) They shall come into force at once.

2. *Amendment of Schedule I.*— In Schedule-I appended to the Goa, Daman and Diu Ports Rules, 1983,

(i) in item 1 for clause (a), the following shall be substituted, namely:—

“(a) Inland non-mechanised craft.

(i) Upto 2.00 tons	per annum Rs. 20.00
(ii) Above 2.00 and upto 5.00 tons	—”— Rs. 25.00
(iii) Above 5.00 and upto 10.00 tons	—”— Rs. 30.00
(iv) Above 10.00 and upto 25.00 tons	—”— Rs. 35.00
(v) Above 25.00 tons—First 25.00 tons	Rs. 40.00
Every additional 20.00 tons	Rs.10.00”.

(b) after clause (a), the following Note shall be inserted, namely:—

“*Note.*— The owner of the craft shall pay licence fees as “one time fees” for the total period of 15 years at the time of registration and those crafts which have already registered and paid the licence fees for some years they shall pay for the remaining years on the basis of the rates of yearly annual licence.”.

(ii) in item 24 for clause (a), the following shall be substituted, namely:—“(a) Passengers embarking/disembarking on a craft each per person Rs. 5.00.

(iii) in item 26 (a) for clause (I), the following shall be substituted, namely:—

“(I) for a mechanized craft entering the port per ton for entry Rs. 1.50.”

(b) for clause (3) the following shall be substituted, namely
“(3) Passengers Vessels per ton for entry Rs. 2.00”.

(iv) in item 54 for clauses (i) and (ii), the following shall be respectively substituted, namely:—

(i) Sea going craft (Mechanized or non-mechanized)	per ton for 30 days or part thereof	Rs. 0.75
(ii) Mechanized passenger craft	—”—	Rs. 0.50”.

(v) In item 55 for clauses (i), (ii) and (iii), the following shall be respectively substituted, namely:—

(i) Country craft or sailing vessel upto 100 tons minimum payable Rs. 5.00	per day per ton or part thereof	Rs. 0.30
(ii) Country craft or sailing vessel above 100 tons minimum payable Rs. 10.00	—”—	Rs. 0.30
(iii) Mechanised craft	—”—	Rs. 0.50”

By order and in the name of the Governor of Goa.

Capt. A. P. Mascarenhas, Captain of Ports & Ex-Officio Joint Secretary.

Panaji, 23rd July, 1998.

Department of Law & Judiciary

Legal Affairs Division

Notification

10-5-96/LA-Vol.II

The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1996 (Central Act 15 of 1996) which has been passed by Parliament and assented to by the President of India on 31st July, 1996 and published in the Gazette of India, Extraordinary, Part II section I dated 31st July, 1996, is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law)

Panaji, 7th April, 1997.

THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ACT, 1996

AN

ACT

further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1996.

2. *Amendment of section 9 of Act 52 of 1974.*— In the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, in section 9, in sub-section (1), for the figures, letters and words “31st day of July, 1996”, the figures, letters and words “31st day of July, 1999” shall be substituted.

Notification

10-5-96/LA-Vol.II

The Lalit Kala Akadami (Taking Over of Management) Act, 1997 (Central Act 17 of 1997), which has been passed by Parliament and assented to by President of India on 25th March, 1997 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 25th March, 1997, is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 14th October, 1997.

THE LALIT KALA AKADAMI (TAKING OVER OF MANAGEMENT) ACT, 1997

AN

ACT

to provide for the taking over of the management of the Lalit Kala Akadami for a limited period in the public interest and for matters connected therewith or incidental thereto.

Whereas the Lalit Kala Akadami was set up as an apex cultural body in the field of visual arts by the Government of India by the Parliamentary Resolution passed on the 5th day of August, 1954 to encourage and promote visual arts such as painting, graphics, sculptures, etc.;

And Whereas the Lalit Kala Akadami was registered as a society under the Societies Registration Act, 1860 on the 11th day of March, 1957; 21 of 1860.

And Whereas the Akadami has full functional autonomy in the field of its activity, even though the Government of India is the sole-funding agency for the organisation;

And Whereas pursuant to the complaints received with regard to the misuse of funds by the Lalit Kala Akadami from several quarters including from the Hon’ble Members of Parliament, a Committee was set up by the Government of India by Resolution dated the 24th day of March, 1988 under the Chairmanship of Shri P. N. Haksar to go into the functioning of National Akadamies including the Lalit Kala Akadami and the said Committee, after a detailed scrutiny of the affairs in the management of the said Akadami, recommended the restructuring of their General Council, Executive Board and the electoral roll, of the artists constituency;

And Whereas, in view of the serious difficulties which have arisen with regard to the management of the Lalit Kala Akadami, it is necessary to take over, for a limited period, the management thereof and it is felt that any delay in taking over the management of the Lalit Kala Akadami would be highly detrimental to the interests and objectives of Akadami;

Be it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Lalit Kala Akadami (Taking Over of Management) Act, 1997.

(2) It shall be deemed to have come into force on the 24th day of January, 1997.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Administrator” means a person appointed as the Administrator under section 4;

(b) “prescribed” means prescribed by rules made under this Act;

(c) “Societies Registration Act” means the Societies Registration Act, 1860, as in force in the 21 of 1860. National Capital Territory of Delhi;

(d) “society” means the Lalit Kala Akadami being a society registered under the Societies Registration Act;

(e) words and expressions used herein and not defined, but defined in the Societies Registration Act shall have the meanings respectively assigned to them in that Act.

CHAPTER II

Taking over of the management of the Lalit Kala Akadami

3. *Management of the society.*— (1) On and from the commencement of this Act, and for a period of three years thereafter, the management of the society shall vest in the Central Government:

Provided that if the Central Government is of opinion that in order to secure the proper management of the society, it is expedient that such management should continue to vest in the Central Government after the expiry of the said period of three years, it may, from time to time, issue directions for the continuance of such management for such period, not exceeding one year at a time, as it may think fit; so, however, that the total period for which such management shall continue to vest in the Central Government shall not, in any case, exceed five years.

(2) The management of the society shall be deemed to include management of all assets, rights, lease-holds, power, authorities and privileges and all property, movable and immovable, including land, buildings, works of art, workshops, projects, stores, instruments, library, machinery, automobiles and other vehicles, cash balances, reserve funds, investments and book debts and all other rights and interests arising out of such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the society, and all such books of account, registers, maps, plans and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the society and affairs of the society and in force immediately before the com-

mencement of this Act shall be deemed to have terminated on such commencement.

(4) All persons in charge of the management of the society, including persons holding offices as Chairman, Vice-Chairman, Secretary or Honorary Secretary, as the case may be, and members of the General Council, Executive Board, Finance Committee and all other committees of the society immediately before the commencement of this Act shall be deemed to have vacated their offices as such on such commencement.

4. *Administrator of society.*— (1) The Central Government shall, as from the commencement of this Act, appoint a person as the Administrator of the society for the purpose of taking over the administration thereof and the Administrator shall carry on the management of the society for and on behalf of the Central Government.

(2) Subject to the supervision, control and directions of the Administrator, the functions of the finance Committee of the Society, before the commencement of this Act, shall be exercised by an officer of the Central Government, to be appointed by that Government.

(3) The Central Government may issue such directions (including directions as to initiating defending or continuing any legal proceedings before any court, tribunal or other authority) to the Administrator as to his powers and duties as that Government may deem desirable and the Administrator may apply to the Central Government at any time for instructions as to manner in which he shall conduct the management of the society or in relation to any matter arising in the course of such management.

(4) Subject to the other provisions of this Act and the rules made thereunder and to the control of the Central Government, the Administrator shall be entitled, notwithstanding anything contained in the Societies Registration Act or in any other law for the time being in force, to exercise, in relation to the management of the society, the powers of the General Council, or, as the case may be, the Executive Board, including the powers to dispose of any property or assets of such society, whether such powers are derived under any law for the time being in force or from the memorandum and rules and regulations of the society or from any other source.

(5) Every person having possession, custody or control of any property forming part of the society shall deliver forthwith such property to the Administrator.

(6) Any person who, on the commencement of this Act has in his possession or under his control any books, papers, works of art or other documents relating to management of the society, including the minutes books containing the resolutions of the persons in charge of the management of the society before the commencement of this Act, the current cheque books relating to the management of the society, any letters, memoranda, notes or other communications between him and the society shall, notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers, works of art and other documents (including such minutes books, cheque books, letters, memoranda, notes or other communications) to the Administrator.

(7) Any person in charge of the administration of the society immediately before the commencement of this Act shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Administrator a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) forming part of the society immediately before the commencement of this Act and of all the liabilities and obligations of the society, in relation to its administration, subsisting immediately before such commencement, and also of all agreements entered into by the society in relation to its administration and in force immediately before such commencement.

(8) The Administrator shall receive from the funds of the society such remuneration as the Central Government may fix.

5. *No right to compensation for premature termination of a contract.*— Notwithstanding anything contained in any law for the time being in force, no person in respect of whom any contract of management or other arrangements is terminated by reason of the provisions contained in sub-section (3) of section 3 or who ceases to hold any office by reason of the provisions contained in sub-section (4) of that section, shall be entitled to claim any compensation for the premature termination of the contract of administration or other arrangement or for the loss of his office.

6. *Relinquishment of administration of the society.*— (1) Notwithstanding anything contained in sub-section (1) of section 3, if, at any time before the expiry of the period referred to in sub-section, it appears to the Central Government that the purposes of the vesting of the management of the society in that Government have been fulfilled or that for any other reason it is not necessary that the management of the society should remain vested in that Government, it may, by order published in the Official Gazette, relinquish the management of the society with effect from such date as may be specified in the order.

(2) On and from the date specified under sub-section (1), the administration of the society shall vest in the General Council of the society and such management shall be carried on in accordance with the provisions of the Societies Registration Act so, however, that the steps, if any, in relation to the management of the society may be taken after the publication of the order under sub-section (1).

7. *Application of Act 21 of 1860.*— (1) Notwithstanding anything contained in the Societies Registration Act or in the memorandum and rules and regulations of the society, but subject to the provisions of sub-section (2) of section 6, so long as the management of the society remains vested in the Central Government,—

(a) it shall not be lawful for the members of the society or any other person to nominate or appoint any person to be a member of the General Council of the society;

(b) no resolution passed at any meeting of the members of the society or at any meeting of the General Council of the society, on or after the commencement of this Act, shall be given effect to unless approved by the Central Government;

(c) no proceeding for the dissolution of the society or for the merger with any other society or for the appointment of a Receiver in respect of its administration shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and subject to such other exceptions, restrictions and limitations, if any, as may be prescribed, the Societies Registration Act shall continue to apply to the society in the same manner as it applied thereto before the commencement of this Act.

CHAPTER III

Miscellaneous

8. *Penalties.*— Any person who,—

(a) having in his possession or custody or under his control any property forming part of the society, wrongfully withholds such property from the Administrator or any person authorised under this Act, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains, or fails to deliver, any property forming part of the society or removes or destroys it, or

(d) wilfully withholds or fails to account for any books, papers, works of art or other documents which may be in his possession or custody or under his control to the Administrator or any person authorised under this Act, or

(e) fails, without any reasonable cause, to furnish information or particulars as provided in sub-section (6) of section 4,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

9. *Offences by companies.*— (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

10. *Exclusion of period of operation of Act.*— In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by the society in respect of any matter arising out of any transaction in relation to its management, the time during which this Act is in force shall be excluded.

11. *Act to have overriding effect.*— The provisions of this Act or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court.

12. *Protection of action taken in good faith.*— (1) No suit, prosecution or other legal proceeding shall lie against the Administrator or any officer of the Central Government or any other person for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the Administrator or any officer of the Central Government or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

13. *Contracts in bad faith may be cancelled or varied.*— (1) If the Central Government is satisfied, after such inquiry as it may think fit, that any contract or agreement entered into at any time within one year immediately preceding the commencement of this Act, between the society and any other person, in so far as such contract or agreement relates to the management of the society, has been entered into in bad faith or is detrimental to the interests of the society, it may make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(2) Any person aggrieved by an order under sub-section (1) may make an application to the High Court at Delhi for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

14. *Power to terminate contract of employment.*— If the Administrator is of opinion that any contract of employment entered into by the society in relation to its management, at any time before the commencement of this Act, is unduly onerous, he may, by giving to the employee one month's notice in writing or the salary or wages for one month in lieu thereof, terminate such contract of employment.

15. *Power to make rules.*— (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session

immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

16. *Repeal and saving.*— (1) The Lalit Kala Akadami (Taking Over of Management) Ordinance, 1997 is hereby repealed. Ord. 10 of 1997.

(2) Notwithstanding the repeal of the Lalit Kala Akadami (Taking Over of Management) Ordinance, 1997, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act. Ord. 10 of 1997.

Notification

10-5-96/LA-Vol.II

The National Highways Laws (Amendment) Act, 1997 (Central Act 16 of 1997) which has been passed by Parliament and assented to by the President of India, on 25th March, 1997, and published in the Gazette of India, Extraordinary, Part II, Section I dated 25th March, 1997 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 14th October, 1997.

THE NATIONAL HIGHWAYS LAWS (AMENDMENT) ACT, 1997

AN

ACT

further to amend the National Highways Act, 1956 and the National Highways Authority of India Act, 1988.

Be it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the National Highways Laws (Amendment) Act, 1997.

(2) It shall be deemed to have come into force on the 24th day of January, 1997.

CHAPTER II

Amendment of the National Highways Act, 1956

2. *Amendment of section 2.*— In section 2 of the National Highways Act, 1956 (hereinafter referred to as the National Highways Act), in sub-section (1), the words "except such parts thereof as are situated within any municipal area" shall be omitted. 48 of 1956.

3. *Substitution of new sections for section 3.*— For section 3 of the National Highways Act, the following sections shall be substituted, namely:—

'3 *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "competent authority" means any person or authority authorised by the Central Government by notification in the Official Gazette, to perform the functions of the competent authority for such area as may be specified in the notification;

(b) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.

3A. *Power to acquire land, etc.*— (1) Where the Central Government is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land.

(2) Every notification under sub-section (1) shall give a brief description of the land.

(3) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.

3B. *Power to enter for survey, etc.*— On the issue of a notification under sub-section (1) of section 3A, it shall be lawful for any person, authorised by the Central Government in this behalf, to—

(a) make any inspection, survey, measurement, valuation or enquiry;

(b) take levels;

(c) dig or bore into sub-soil;

(d) set out boundaries and intended lines of work;

(e) mark such levels, boundaries and lines by placing marks and cutting trenches; or

(f) do such other acts or things as may be laid down by rules made in this behalf by that Government.

3C. *Hearing of objections.*— (1) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.— For the purpose of this sub-section, "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961.

25 of 1961.

(3) Any order made by the competent authority under sub-section (2) shall be final.

3D. *Declaration of acquisition.*— (1) Where no objection under sub-section (1) of section 3C has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land should be acquired for the purpose or purposes mentioned in sub-section (1) of section 3A.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of section 3A for its acquisition but no declaration under sub-section (1) has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period or periods during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of section 3A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

3E. *Power to take possession.*— (1) Where any land has vested in the Central Government under sub-section (2) of section 3D, and the amount determined by the competent authority under section 3G with respect to such land has been deposited under sub-section (1) of section 3H, with the competent authority by the Central Government, the competent authority may by notice in writing direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within sixty days of the service of the notice.

(2) If any person refuses or fails to comply with any direction made under sub-section (1), the competent authority shall apply—

(a) in the case of any land situated in any area falling within the metropolitan area, to the Commissioner of Police;

(b) in case of any land situated in any area other than the area referred to in clause (a), to the Collector of a District;

and such Commissioner or Collector, as the case may be, shall enforce the surrender of the land, to the competent authority or to the person duly authorised by it.

3F. *Right to enter into the land where land has vested in the Central Government.*— Where the land has vested in the Central Government under section 3D, it shall be lawful for any person authorised by the Central Government in this behalf, to enter and do other act necessary upon the land for carrying out

the building, maintenance, management or operation of a national highway or a part thereof, or any other work connected therewith.

3G. Determination of amount payable as compensation.—

(1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

(2) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent. of the amount determined under sub-section (1), for that land.

(3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.

(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under this Act. 26 of 1996.

(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration—

(a) the market value of the land on the date of publication of the notification under section 3A;

(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

3H. Deposit and payment of amount.— (1) The amount determined under section 3G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any

part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 3G by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent. per annum on such excess from the date of taking possession under section 3D till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.

3I. Competent authority to have certain powers of civil court.— The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, 5 of 1908. namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any court or office;

(e) issuing commission for examination of witnesses.

3J. Land Acquisition Act 1 of 1894 not to apply.— Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act.

4. Omission of section 8.— Section 8 of the National Highways Act shall be omitted.

5. Amendment of section 9.— In section 9 of the National Highways Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

“(aa) the manner in which the amount shall be deposited with competent authority under sub-sections (1) and (6) of section 3H;”.

CHAPTER III

Amendment of the National Highways Authority of India Act, 1988

6. Substitution of new section for section 13.— For section 13 of the National Highways Authority of India Act, 1988 (hereinafter referred to as the National Highways Authority Act), the following section shall be substituted, namely:— 68 of 1988.

“13. **Compulsory acquisition of land for the Authority.**— Any land required by the Authority for discharging its functions under this Act shall be deemed to be land needed for a public purpose and such land may be acquired for the Authority under the provisions of the National Highways Act, 1956.”. 48 of 1956.

7. Amendment of section 16.— In section 16 of the National Highways Authority Act, in sub-section (2), for clause (h), the following clause shall be substituted, namely:—

“(h) engage, or entrust any of its functions to, any person on such terms and conditions as may be prescribed;”.

8. Substitution of new section for section 17.— For section 17 of the National Highways Authority Act, the following section shall be substituted, namely:—

"17. *Additional capital and grants to the Authority by the Central Government.*— The Central Government may, after due appropriation made by Parliament by law in this behalf,—

(a) provide any capital that may be required by the Authority for the discharge of its functions under this Act or for any purpose connected therewith on such terms and conditions as that Government may determine;

(b) pay to the Authority, on such terms and conditions as the Central Government may determine, by way of loans or grants such sums of money as that Government may consider necessary for the efficient discharge by the Authority of its functions under this Act."

9. *Amendment of section 34.*— In section 34 of the National Highways Authority Act, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

"(dd) the terms and conditions subject to which the functions of the Authority may be entrusted to any person under clause (h) of sub-section (2) of section 16;"

10. *Repeal and saving.*— (1) The National Highways Laws (Amendment) Ordinance, 1997 is hereby repealed.

Ord. 9 of
1997.

(2) Notwithstanding the repeal of the National Highways Laws (Amendment) Ordinance, 1997, anything done or any action taken under the National Highways Act and the National Highways Authority Act as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.

Ord. 9 of
1997.

Law Establishment Division

Notification

4-26-84/LD

In exercise of the powers conferred by rule 1 of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908), the Government of Goa hereby amends the Government Notification No. 3-26-84-LD dated 2-6-1987 (hereinafter referred to as the "said Notification"), as follows:—

In the Schedule to the said Notification, after entry at Sr. No. 43, the following entries shall be inserted, namely:—

- "44. — Range Forest Officers (Territorial);
- 45. — Range Forest Officers, Wild Life Divisions;
- 46. — Range Forest Officer, Cashew Divisions;
- 47. — Assistant Conservator of Forest."

By order and in the name of the Governor of Goa.

N. B. Narvekar, Under Secretary (Law).

Panaji, 3rd August, 1998.

Notification

1-2(7)/96-LD

In exercise of the powers conferred by section 13 of the Goa Administrative Tribunal Act, 1965 (Act 6 of 1965), the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Administrative Tribunal Rules, 1966, as follows:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Administrative Tribunal (Amendment) Rules, 1998.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Goa, Daman and Diu Administrative Tribunal Rules, 1966, in sub-rule (2), for clause (c), the following shall be substituted, namely:—

"(c) holding a superior post, not lower than Joint Secretary to the Government, in the Law Department of the Government for atleast 3 years."

By order and in the name of the Governor of Goa.

N. B. Narvekar, Under Secretary (Law).

Panaji, 31st July, 1998.

Department of Public Health

Goa Medical College

Notification

7/10/94-II/PHD/Part

In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in consultation with the Goa Public Service Commission vide their letter No. COM/II/13/30 (1)/97 dated 2nd May, 1997, the Governor of Goa is pleased to amend the Goa, Daman and Diu Medical Education Service Rules, 1997, notified under No. 71/51/79-PHD dated 20-4-81 and published in the Official Gazette, Series I, No. 4 (Extraordinary) dated 27-4-81 as follows:

I. The existing entries in Columns No. 2, 3 and 4 against Sr. No. 5 under I in Schedule III to the aforementioned Rules, shall be substituted by the entries as shown below:—

Sr. No.	Name of post	Method of recruitment	Field of selection and the minimum qualifying service for promotion
1	2	3	4
5 (a)	A-Lecturer (Clinical)	By direct recruitment.	Educational and other qualifications and experience required for direct recruitment is shown in Schedule V against the post of Lecturer.
5 (b)	B-Lecturer (Pre and Para-Clinical)	By promotion failing which by direct recruitment.	<i>Promotion:—</i> Asst. Lecturers having postgraduate degree in the speciality concerned or equivalent with 3 years teaching experience after acquiring the post-graduate degree.

II. The existing entry, i.e. "Lecturer" in Column 2 under I in Schedule V, shall be substituted by the following:—

"A-Lecturer (Clinical)

B-Lecturer (Pre and Para - Clinical)"

Note: These Rules shall come into force from 12-6-97 & the Rules published therein shall be substituted by the above Rules.

By order and in the name of the Governor of Goa.

Dr. W. K. Belokar, Ex-Officio Addl. Secretary.

Bambolim, 16th July, 1998.